

1 GENERAL GOVERNMENT CABINET

2 Kentucky Board of Licensed Diabetes Educators

3 (Amendment)

4 201 KAR 45:130. Continuing education.

5 RELATES TO: KRS 309.337

6 STATUTORY AUTHORITY: KRS 309.331

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.337 requires the board to  
8 promulgate administrative regulations establishing continuing education requirements. This  
9 administrative regulation establishes continuing education requirements for licensed diabetes  
10 educators.

11 Section 1. Accrual of Continuing Education Hours. (1)(a) The annual continuing  
12 education accrual period shall be from November 1 of each year to October 31 of the next year.

13 (b) Prior to renewal of a license for the next licensure period, a licensee shall have earned  
14 fifteen (15) hours of approved continuing education.

15 (2) More than fifteen (15) hours of continuing education shall not be carried over into the  
16 next continuing education period.

17 (3) It shall be the responsibility of each licensee to finance the costs of continuing  
18 education.

19 Section 2. Methods of Acquiring Continuing Education Hours. (1) Continuing education  
20 hours for license renewal shall be applicable to diabetes and presented at a

professional level that enhances the quality and effectiveness of diabetes self-management education.

(2) A licensee shall obtain continuing education courses from any of the following continuing education providers or programs approved by the providers:

- (a) American Association of Diabetes Educators (AADE);
- (b) American Diabetes Association (ADA);
- (c) Academy of Nutrition and Dietetics (AND);
- (d) Accreditation Council for Pharmacy Education (ACPE);
- (e) Accreditation Council for Continuing Medical Education (ACCME-AMA);
- (f) American Nurses Credentialing Center (ANCC);
- (g) American Academy of Family Physicians (AAFP);
- (h) American Academy of Nurse Practitioners (AANP);
- (i) American Academy of Optometry (AAO);
- (j) American Academy of Physician Assistants (AAPA);
- (k) American Association of Clinical Endocrinologists (AACE);
- (l) American College of Endocrinology (ACE);
- (m) American College of Sports Medicine (ACSM);
- (n) American Medical Association (AMA) or its Kentucky affiliate;
- (o) American Nurses Association (ANA);
- (p) American Occupational Therapy Association (AOTA);
- (q) American Physical Therapy Association (APTA);
- (r) American Psychological Association (APA);
- (s) Commission on Dietetic Registration (CDR);

- (t) Council on Continuing Medical Education (CCME-AOA);
- (u) Council on Podiatric Medical Education (CPME-APMA);
- (v) International Diabetes Federation (IDF);
- (w) National Association of Clinical Nurse Specialists (NACNS);
- (x) National Association of Social Workers (NASW);
- (y) Kentucky Board of Nursing (KBN);
- (z) Kentucky Board of Pharmacy;
- (aa) Kentucky Board of Medical Licensure; or
- (bb) Kentucky Nurses Association (KNA).

Section 3. Recordkeeping of Continuing Education Hours. (1) A licensee shall maintain a record of all continuing education courses attended for two (2) years after attending the course.

(2) Appropriate documentation to be kept shall include:

- (a) Proof of attendance;
- (b) Date of activity;
- (c) Description of activity;
- (d) Total hours of instruction, excluding breaks; and
- (e) Names and professional qualifications of the presenters.

(3)(a) Each licensee shall sign a statement on the Renewal Application form incorporated by reference in 201 KAR 45:120, indicating compliance with the continuing education requirements.

(b) A license shall not be renewed without the licensee signing this sworn statement.

Section 4. Reconsideration. (1) A licensee may request the board to reconsider its denial of a continuing education course by filing a written request with the board.

1           (2)(a) A licensee shall file the request for reconsideration pursuant to KRS Chapter 13B  
2 within thirty (30) calendar days of notification of the denial.

3           (b) The request will be reviewed by the board at its next regularly scheduled meeting.

4           Section 5. Auditing of Continuing Education. (1) In January following the renewal  
5 period, the board shall annually conduct a random audit of up to fifteen (15) percent of licensees  
6 and permit holders from the preceding renewal period.

7           (2) Each licensee or permit holder selected for audit shall submit documentation of  
8 completion of continuing education units from the preceding renewal period to the board within  
9 forty-five (45) days of the date of the request.

10          (3) A licensee or permit holder who fails to comply with the audit request or the  
11 continuing education requirements shall be subject to disciplinary action, which may include  
12 finer, suspension, or revocation of the license or permit.

*Kim DeCoste*

10/21/15

Kim DeCoste, Chairperson

Date

Kentucky Board of Licensed Diabetes Educators

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on December 22, 2015 at 10:00 AM Eastern Time at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wished to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until close of business January 4, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Matt James, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, KY 40601, phone (502) 696-5300, fax (502) 564-5380.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

201 KAR 45:130 Continuing education

Contact Person: Matt James, Board Counsel

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the continuing education required to maintain licensure.

(b) The necessity of this administrative regulation: Since licensees are required to obtain continuing education, they must know what will be accepted for continuing education credit.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Board is given the authority to establish regulations setting the requirements for continuing education.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the activities that are acceptable for continuing education and the licensee's duty to maintain records regarding the courses attended.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment requires the board to conduct a random audit of continuing education documentation of licensees.

(b) The necessity of the amendment to this administrative regulation: This amendment requires the board to take reasonable steps to ensure that its licensees are completing their continuing education requirements.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 309.331(1) authorizes the board to promulgate administrative regulations establishing continuing education requirements for licensed diabetes educators.

(d) How the amendment will assist in the effective and administration of the statutes: The amendment will require the board to take reasonable steps to verify that its licensees are completing their continuing education requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Over 600 individuals have been issued licenses or permits by the board.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this regulation, if new, or by the change if it is an amendment, including:

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with the administrative regulation or amendment: Licensees selected for a random audit will be required to provide proof of completion of continuing education requirements to the board.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will not cost licensees anything other than copying or postage costs.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensees will be able to maintain licensure and stay aware of the developments in the profession of diabetes educator.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: No new costs will be incurred by the changes.
  - (b) On a continuing basis: No new costs will be incurred by the changes.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operation is funded by the fees paid by licensees and applicants.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: No increase in fees or funding will be necessary.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.
- (9) TIERING: Is tiering applied? Tiering was not applied because the regulation applies equally to all licensees and permit holders.



## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

201 KAR 45:130

Matt James, Asst. Attorney General

1. What units, parts or divisions of state or local government (including cities, counties fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Licensed Diabetes Educators is housed for administrative purposes within the Office of Occupations and Professions in the Public Protection Cabinet.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 309.331 and 309.337

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A